



U.S. Department of Justice

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District of New Jersey
Civil Division

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April 30, 2021

Via Electronic Filing

Honorable Claire C. Cecchi, U.S.D.J.
United States District Court
District of New Jersey
Martin Luther King Bldg. & U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

Re: *Puello v. United States Postal Service, et al.*
Civil Action No. 18-13714 (CCC)(CLW)

Dear Judge Cecchi:

The undersigned represents the Defendant United States Postal Service in the above-captioned matter. The parties are scheduled to participate in a telephonic conference before Your Honor on May 25, 2021. I respectfully write to request permission to file a motion for summary judgment and a stay of expert discovery until the Court decides this motion.

On March 26, 2021, the undersigned filed a notice of substitution of attorney. Prior to doing so, Assistant United States Attorney Angela Juneau requested a stay of expert discovery so that Defendant could seek permission to file a dispositive motion for summary judgment (Dkt. 35). On February 24, 2021, the parties appeared before Magistrate Judge Cathy L. Waldor. While in conference, Judge Waldor directed Ms. Juneau to address a request for leave to file summary judgment with Your Honor. See Dkt. 39 (“Settlement having not succeeded, defendant will address a request for leave to file Summary Judgement to the District Judge.”).

The parties have completed fact discovery and Defendant served an expert report from psychiatrist Dr. Morton Fridman, M.D. on April 28, 2021. Before expending additional time and resources on expert discovery, which will solely

pertain to the issue of damages, Defendant seeks permission to file a motion for summary judgment on the issue of liability. Specifically, Defendant will seek summary judgment as Plaintiff failed to exhaust her administrative remedies and did not comply with the perquisites for asserting her Title VII claims. Defendant also plans to argue that Plaintiff has failed to establish a *prima facie* case of discrimination, and that Defendant had legitimate, non-discriminatory reasons for its actions. Finally, Defendant will argue that, despite a lengthy period of discovery, Plaintiff has adduced no evidence that Defendant's articulated reasons for the alleged adverse actions were a pretext for unlawful discrimination or retaliation.

Counsel for Plaintiff previously declined his consent to our request to stay expert discovery and submitted correspondence memorializing his objection (Dkt. 36). Counsel for Plaintiff has once again declined his consent.

Accordingly, Defendant requests that the Court grant permission allowing Defendant to file a motion for summary judgment and a stay of expert discovery until the Court decides this motion. Considering my recent arrival to the case, and several other deadlines in the coming weeks, I respectfully request that the Court allow the Government until June 16, 2021 to file this summary judgment motion.

I thank the Court for its consideration of this request.

Respectfully submitted,

RACHAEL A. HONIG
Acting United States Attorney

By: s / Brooks E. Doyne
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cc: Joseph Rakofsky, Esq. (via electronic filing)